

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
LEONOR C MARQUEZ RIVERA

CASE NO. 11-03022-ESL

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Under Median / 36 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$1,306.00**

R2016 STM. \$0.00

TOTAL ATTORNEYS FEES THRU PLAN: \$0.00 Fees paid: \$0.00 Fees Outstanding: \$0.00
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With respect to the proposed (amended) Plan dated: **April 08, 2011** (Dkt 2).

Plan Base: **12,000.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)]

Submit evidence of income as Yoga instructor for prior six month of the filing of the petition and evidence of family help.

- Fails Disposable Income Test : Unreasonable Expenses; Unwarranted payroll Deductions; Fails to use Income Tax refunds and Others. [§1322(a)(1) & §1325(b)(1)(B)]

Debtor must amend plan to provide for the submission of yearly tax refund during the life of the plan.

- Debtor(s) fails to comply with Income Tax Return filing requirements of §1308. [§1325(a)(9)]

The 341 meeting of creditors was held open for 15 days in order for debtor to be able to comply with 11 USC 1308. Debtor must submit evidence of the filing of tax return year 2010 for Treasury and IRS.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this June 07, 2011.

/s/ Juliell Perez -Staff Attorney

JOSE R. CARRION

CHAPTER 13 TRUSTEE

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